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January 31, 2005

From: James M. Stipek

Matter No.: 1437 (382406)

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Number of Pages Transmitted (including this cover sheet): 52

Message: RE: U.S. Patent Application No. 09/718,312;
 System and Method for Processing a Signal;
 Applicants: Walter F. Rausch et al.,
 Group 2685

Attached for filing please find the following: Certificate of Facsimile Transmission (1 page); Transmittal Form (1 page); Response to Provoke Advisory Action (44 pages); Inventors' Declaration (5 pages); and authorization to charge additional fees that may be required, or credit any overpayment, to Deposit Account No. 21-0765.

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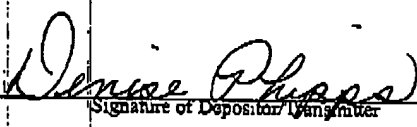
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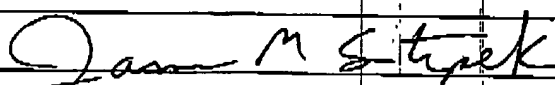
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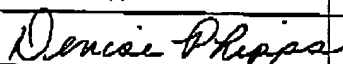
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/718,312
	Filing Date	November 22, 2000
	First Named Inventor	Walter F. Rausch
	Group Art Unit	2685
	Examiner Name	Duc M. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	1437

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PATENT
Attorney Docket No. 1437

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Rausch et al.
Serial No. 09/718,312
Filed November 22, 2000
For System and Method for Processing a
Signal

Examiner Nguyen, Duc M.
Group Art No. 2685
Confirmation No. 3505

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Response to Provoke Advisory Action

In response to the Examiner's Office action mailed November 30, 2004,
Applicants make the following remarks.

CERTIFICATE UNDER 37 C.F.R. § 1.8 and § 1.10

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Response is Timely

This response was due January 30, 2005, which was a Sunday. This response is being filed January 31, 2005, and therefore is timely. No extension fees are due.

Initial Remarks

Recently, some USPTO Examiners have been not responding to Responses to Provoke an Advisory Action. The Examiners have stated that the "Amendment" requires further consideration or searching, and therefore the "Amendment" is not entered. This occurs whether or not there is an amendment or whether or not an amendment is merely grammatical or otherwise does not require a search. If no amendment is made, and only arguments for patentability are submitted, then the Examiners state that the claims have not been placed in a better form for allowance and then do not respond to the Response or enter the Response. This seems to be an effort to eliminate having to respond to the Response to Provoke an Advisory Action. This, in turn, seems to violate the MPEP. Applicants' attorney notes that this has NOT occurred with the present Examiner and requests that the Examiner enter this Response and fully respond to this Response to Provoke an Advisory Action. Applicants request that the Examiner respond specifically and separately to each numbered paragraph.

Telephone Conference January 25, 2005

Applicants' attorney and the Examiner had a telephone conference January 25, 2005, in which they discussed the Examiner's stated reasons to modify Schwartz and the Examiner's stated suggestion to combine Talbot, Bickley, and Csapo. The Parties did not arrive at an agreement.

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